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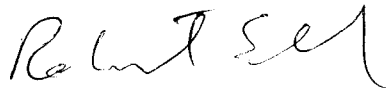
U.S. Department of Transportation
Docket Management System
400 7th Street, SW Room PL 401
Washington, DC 20591-001

Petition for Exemption from FAR 61.65(a)(1) and FAR 61.153(d)(1) for Franklin Peter Toups
Certificate Number 439880504

1. This is a Petition for Exemption from FAR 61.65(a)(1) and FAR 61.153(d)(1) for Franklin Peter Toups Certificate Number 439880504.
2. On September 28, 1990, Hays V. Hettinger, Assistant Chief Counsel, Southwest Region issued an emergency revocation of Mr. Toups Airline Transport and Flight Instructor Certificates based on violations of 91.17(a)(1), (2) and (4), attempting to act as pilot in command while under the influence of alcohol.
3. Mr. Toups would like to reinstate his ATP and instrument rating.
4. FAR 61.65(a)(1) and FAR 61.153(d)(1) require that an applicant for ATP and an instrument rating respectively hold a commercial pilot license. FAR 61.123(h) requires an applicant for a commercial pilot certificate to hold a private pilot certificate.
5. Exemption from the requirements of FAR 61.65(a)(1) and FAR 61.153(d)(1) is sought so that Mr. Toups, who already has the aeronautical experience requirements of FAR 61.159, may, with the requisite endorsements by a flight instructor and aeronautical knowledge requirements, take a single check ride to obtain his ATP and instrument rating.
6. The relief requested is in the public interest because it would relieve Mr. Toups and all other persons similarly situated who request the same relief from this unnecessary and probably unintended burden. That is, it makes no sense to require an applicant for ATP, who already has the requisite aeronautical experience, has obtained recent flight instruction and has been recommended by a Certified Flight Instructor for the ATP and instrument rating check rides, to take the private pilot and commercial pilot practical tests in which he will be held to a much lower standard.
7. This exemption will not adversely affect safety because Mr. Toups will be required to meet the same standards required for every ATP and instrument rated pilot.
8. The FAA recognized its duty to help rehabilitate pilots in its Expunction Policy on Enforcement Records. That is, in a Policy Statement issued on October 29, 1991 (56 FR 55788) the FAA implemented a policy of expunging enforcement records against individuals after five years. This was done to improve employment opportunities for pilots. Although the policy does

not apply to revocations, it evidences an FAA policy of removing unnecessary burdens to pilot certification.

Respectfully submitted this 7th day of February 2002.

A handwritten signature in black ink, appearing to read "Robert B. Schultz". The signature is fluid and cursive, with the first name "Robert" being more legible than the last name "Schultz".

By: Robert B. Schultz
Attorney for petitioner
Franklin Peter Toups